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and

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ATTORNEYS FOR PLAINTIFF, Magten  
Asset Management Corporation

IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
BUTTE DIVISION

MAGTEN ASSET MANAGEMENT  
CORPORATION,

Plaintiff,

vs.

MIKE J. HANSON, JACK D. HAFHEY, ERNIE J.  
KINDT and ELLEN M. SENECHAL,

Defendants.

Cause No. CV-04-26-BU-RFC

**STIPULATED MOTIONS TO  
DISMISS WITHOUT PREJUDICE,  
AND AMEND CAPTION**

COMES NOW Plaintiff, Magten Asset Management Corporation and Defendants, Jack D.  
Haffey, Ellen M. Senechal, Mike J. Hanson and Ernie J. Kindt, and hereby jointly move the Court  
per stipulation to dismiss Defendants Jack D. Haffey and Ellen M. Senechal without prejudice.

The above-named parties further jointly move the Court per Stipulation to amend the caption  
of this litigation to reflect the dismissal of Mr. Haffey and Ms. Senechal, which amended caption is

FILED

BUTTE, MT

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1 reflected in the proposed *Order* submitted with this Stipulation.

2 Finally, the above-named parties jointly stipulate that execution of this Stipulation by  
3 Defendant's counsel shall not serve as a waiver of any defenses, including, but not limited to any  
4 Rule 12(b) defenses, that Defendants are otherwise entitled to assert.

5 A proposed *Order* is attached.

6 DATED this 6<sup>th</sup> day of July, 2004.

7 GOETZ, GALLIK & BALDWIN, P.C.

8  
9 By:

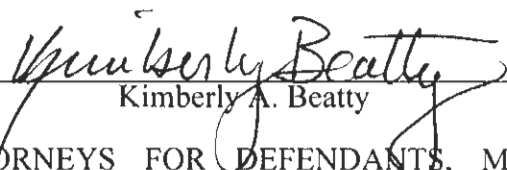
  
J. Devlan Geddes

10 ATTORNEY FOR PLAINTIFF, Magten Asset  
11 Management Corporation

12  
13 DATED this 2nd day of July, 2004.

14 BROWNING, KALECZYC, BERRY & HOVEN

15  
16 By

  
Kimberly A. Beatty

17 ATTORNEYS FOR DEFENDANTS, Mike J.  
18 Hanson, Jack D. Haffey, Ernie J. Kindt and Ellen M.  
19 Senechal

**CERTIFICATE OF SERVICE**

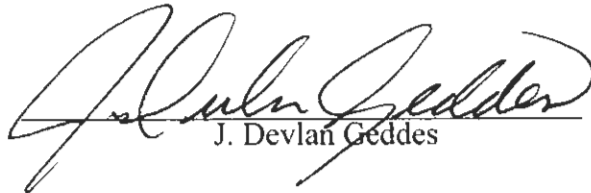
The undersigned hereby certifies that the foregoing document was served upon the following counsel of record, by the means designated below, this 6<sup>th</sup> day of July, 2004.

- ☒ U.S. Mail  
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